IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION - FOR TRANSFER No. 254 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHRUTI D/O BALVANTBHAI DAVE (WIFE OF RESPONDENT) - Applicant(s)

Versus

DEEPAK VINODCHANDRA TRIVEDI - Opponent(s)

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Appearance :
MR HARSHIT S TOLIA for Applicant(s) : 1,
MR KUNJAL D PANDYA for Opponent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 23/02/2006

ORAL JUDGMENT

1. This matter was mentioned in the morning by learned advocate Mr.Kunjal D.Pandya appearing for the respondent for an adjournment. The request was regretted. The matter was called out in the first round. The learned advocate Mr.Kunjal D.Pandya did not remain present. The matter was

allowed to stand over for second round. In the second round, the learned advocate has granted adjournment to himself. This speaks for the conduct of the learned advocate.

2. The present application is filed by the wife – original respondent for transfer of Family Suit No.1033 of 2005 pending in the Court of learned Family Judge at Ahmedabad filed by the husband – respondent herein to a competent Court at Bhavnagar.

The applicant has set out the reasons for seeking transfer in paragraph No.4. It is stated therein by the applicant that the applicant is neither having any source of income nor support as she is residing with her maternal aunt at Bhavnagar and her parents are residing at Sihor. They are of advanced age. The applicant has also stated that her younger unmarried brother is also residing at Sihor he too has no source of income to support the present applicant. The applicant has also stated that one of her brother is residing in the city of Surat with his family. The said brother has limited income and therefore, not able to render any any financial assistance to the present applicant.

The facts narrated in paragraph No.3 of the application does convey a sorry state of affairs, but then this Court is not to go into the same in this application.

3. In the considered opinion of this Court, the applicant has made out a case for allowing this application and granting the relief as prayed for. In the result, this application is allowed. Family Suit No.1033 of 2005 pending in the Court of learned Family Judge at Ahmedabad filed by the husband – respondent herein is transferred to a competent Court at Bhavnagar. Rule is made absolute with no order as to costs. Office is directed to communicate this order as expeditiously as possible.

(RAVI R.TRIPATHI, J.)

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